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SUPPORT BY THE UNITED NATIONS SYSTEM OF THE EFFORTS OF GOVERNMENTS TO PROMOTE AND CONSOLIDATE NEW OR RESTORED DEMOCRACIES

MAINTENANCE OF INTERNATIONAL SECURITY

Letter dated 9 September 1997 from the representatives of Armenia and the Russian Federation to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the texts of the Treaty between the Russian Federation and the Republic of Armenia on Friendship, Cooperation and Mutual Assistance (annex I) and of a joint statement by the Russian Federation and the Republic of Armenia (annex II), signed in Moscow on 29 August 1997 by the President of the Russian Federation, Mr. Boris N. Yeltsin, and the President of the Republic of Armenia, Mr. Levon H. Ter-Petrossian.

We should be grateful if you would have the text of this letter and its annexes circulated as a document of the General Assembly under items 38 and 81 of the preliminary list.

(Signed) S. LAVROV
Permanent Representative
of the Russian Federation
to the United Nations

(Signed) M. ABELIAN
Chargé d'affaires a.i.
Permanent Mission of Armenia
to the United Nations

* A/52/150 and Corr.1.

ANNEX I

Treaty between the Russian Federation and the Republic of Armenia on Friendship, Cooperation and Mutual Assistance signed in Moscow on 29 August 1997

The Russian Federation and the Republic of Armenia,

Convinced that the unswerving development and strengthening of relations of friendship, good-neighbourliness and mutually advantageous cooperation between them is consonant with the vital interests of the peoples of both States and will be the best way to promote their all-round development and prosperity,

Guided by the closeness of their cultures, the age-old traditions of spiritual contact and the ties of friendship between their peoples,

Reaffirming their commitment to the purposes and principles of the Charter of the United Nations, the Helsinki Final Act and other instruments of the Organization for Security and Cooperation in Europe (OSCE), and other universally recognized norms of international law,

Desiring to cooperate within the framework of the Commonwealth of Independent States (CIS) and firmly resolved in keeping with the purposes and principles contained in the documents signed by both States within the framework of CIS to comply with the commitments arising from their participation therein and particularly the Treaty on Collective Security of 15 May 1992,

Considering that the historical destiny and prosperity of both States is indissolubly linked to the strengthening of peace, security and stability in the Transcaucasus region and throughout the world,

Taking into account the importance of coordinated action by the two States on the international stage with regard to the most momentous questions of mutual interest,

Desiring to facilitate for that purpose the deepening of cooperation in the military, political, economic and cultural areas,

Reaffirming their commitment to compliance with universally recognized international human rights norms,

Have agreed as follows:

Article 1

The High Contracting Parties shall make every effort to strengthen traditional ties of friendship and all-round cooperation between the two States in the political, economic, military, scientific, cultural and other areas.

They shall abide strictly by the principles of mutual respect for their State sovereignty and independence, equality and non-interference in each other's internal affairs, non-use of force or threat of force, territorial integrity, inviolability of borders, peaceful settlement of disputes, respect for human rights and fundamental freedoms, conscientious fulfilment of their international obligations, and other universally recognized norms of international law.

Article 2

The High Contracting Parties shall cooperate closely with each other to defend the sovereignty and territorial integrity and ensure the security of the Russian Federation and the Republic of Armenia. They shall consult each other without delay whenever either of them considers that it is under threat of armed attack in order to ensure joint defence and maintain peace and mutual security. The necessity, nature and extent of the assistance which one High Contracting Party shall render to the other High Contracting Party with a view to helping to overcome the situation which has arisen shall be determined during these consultations.

Article 3

The High Contracting Parties shall jointly take all measures at their disposal to obviate a threat to peace or a breach of the peace, or to oppose acts of aggression directed against them by any State or group of States, and shall render each other the necessary assistance, including military assistance, in exercise of the right of collective self-defence under Article 51 of the Charter of the United Nations.

Article 4

The High Contracting Parties, while independently deciding on matters of national security and military organizational development, shall engage in close cooperation in these areas and determine forms of interaction on the basis of this Treaty, the bilateral Treaty of 16 March 1995 on the Russian military base in the territory of the Republic of Armenia, and other relevant agreements.

The High Contracting Parties shall expand cooperation between their national armed forces. In the event of a threat to the security of one of the Parties or an armed attack on one of them, the High Contracting Parties shall proceed from the principle of reciprocal use of military facilities and installations on terms established for the national armed forces, and also of joint operation of defence installations.

The High Contracting Parties shall work together to pursue a military-technical policy and cooperation in military production based on standardization of armaments, including funding of joint military programmes.

The High Contracting Parties shall also cooperate on policy with regard to the export and import of military technologies and weapons, while complying with the established international rules.

Article 5

The borders of the Republic of Armenia with non-member States of CIS shall be safeguarded through the joint efforts of the High Contracting Parties on the basis of the relevant agreements between them, their own security interests and the collective security interests of CIS.

Article 6

The High Contracting Parties shall continue to work together closely in the area of foreign policy and to cooperate with a view to strengthening peace and improving stability and security in the Transcaucasus region and throughout the world. They shall promote the continuation of the disarmament process, take measures to strengthen confidence and security, and develop mechanisms and institutions that strengthen the peace-keeping role of the United Nations, OSCE, and CIS. The High Contracting Parties shall also endeavour to promote the settlement of regional conflicts and other situations that affect their interests.

The High Contracting Parties shall jointly seek to improve the situation and ensure peace and security in the Transcaucasus region and throughout the world and shall, inter alia, hold consultations on international issues of common interest with a view to taking coordinated action where necessary.

Article 7

The High Contracting Parties undertake to refrain from participating in any actions or measures, and also alliances and blocs, which are directed against the sovereignty, independence and territorial integrity of the other High Contracting Party, nor shall they allow their territory to be used for the purposes of aggression or other forcible actions against the other High Contracting Party.

Each High Contracting Party shall prohibit and suppress the establishment and operation in its territory of organizations and groups, and activities of individuals, directed against the State sovereignty, independence and territorial integrity of the other High Contracting Party.

Article 8

Each High Contracting Party shall guarantee nationals of the other High Contracting Party the rights and freedoms of the individual, and shall not allow any forms of discrimination on ethnic grounds, nor on the basis of sex, language, religion, or political or other convictions in accordance with the

universally recognized norms of international law. These citizens' freedom of movement and their right of residence, as well as their right to work and to acquire property in both States in accordance with each Party's legislation, shall be guaranteed.

The High Contracting Parties shall conclude separate agreements guaranteeing and protecting the rights of their nationals permanently resident in the territory of the other Party.

Article 9

The High Contracting Parties shall develop equal and mutually advantageous cooperation in the political, trade and economic, scientific and technical, humanitarian and other areas.

In addition to the above-mentioned areas, priority shall be given to cooperation in the implementation of various initiatives in international organizations which are not in conflict with the interests of the High Contracting Parties; cooperation in safeguarding human rights in accordance with the basic international instruments; cooperation in the field of environmental protection; and cooperation to combat organized crime, terrorism and drug-trafficking.

The High Contracting Parties shall conclude separate cooperation agreements on these and other questions of mutual interest.

Article 10

The legal regime of State property and property of juridical persons and nationals of one High Contracting Party situated in the territory of the other High Contracting Party shall be regulated on the basis of the multilateral agreements in force and the legislation of the Party in which such property is situated, unless subsequently otherwise provided in corresponding bilateral agreements between the High Contracting Parties.

If one of the High Contracting Parties claims ownership to property situated in the territory of the other High Contracting Party which is also claimed by third parties or States, the other Party shall take all the necessary measures to protect and preserve such property until the question of its ownership is finally settled.

Article 11

The High Contracting Parties, attaching importance to stable development and the effective exploitation of the economic potential of both States, shall cooperate in implementing the ongoing economic reforms on the basis of market relations, promote the intensification of economic integration between the two States, and create conditions for the establishment of a common economic space in accordance with their obligations under bilateral and multilateral treaties

and agreements concluded by the High Contracting Parties within the framework of the Commonwealth of Independent States.

To this end the High Contracting Parties shall endeavour to coordinate their activities in implementing their financial, credit and monetary, foreign exchange, tax, customs and social policies.

The High Contracting Parties shall inform each other in timely fashion of economic decisions that may affect the rights and interests of the other High Contracting Party.

Article 12

The High Contracting Parties shall promote the development of relations at all levels in the areas of trade, the economy and science and technology and the creation in their territory of conditions favourable to the activities of enterprises and entrepreneurs of the other Party in such areas as direct investment and investment protection, and shall facilitate the establishment of joint financial-industrial groups and the creation and operation of transnational associations, as well as other progressive forms of cooperation.

The Parties shall promote the maintenance and development, on a mutually advantageous basis, of productive and scientific and technological cooperation between economic agents, particularly in the development and production of modern goods employing advanced technology, including items for defence needs, through, inter alia, the formulation of comprehensive inter-State and intersectoral cooperation programmes.

Article 13

The High Contracting Parties shall take measures to ensure the convertibility of their national currencies and maintain their stability and develop their national currency markets, and shall agree on the procedure for determining the rate of exchange of their currencies.

Article 14

The High Contracting Parties shall expand cooperation in the development of their national systems of transport and communication, telecommunications and data processing, and shall facilitate the maintenance and rational utilization of the complexes and single systems in use in these areas.

The carriage of goods and passengers by rail, air, road, sea and river transport between the two States and through their territories, including the use of relevant ports and stations as well as major pipelines, electricity supply networks and communication links situated in the territory of the Parties, shall be conducted on mutually advantageous terms, in accordance with procedures specified in separate agreements.

The High Contracting Parties shall develop cooperation in the area of fuel and energy, through, inter alia, the joint production and transport of energy sources. To this end the Parties shall promote the establishment of joint companies.

Article 15

Recognizing the primordial role of cooperation in the area of science and technology, the High Contracting Parties shall take all measures to create a common scientific and technological space with a view to more rational use of the intellectual, scientific and technological potential of the two States.

The Parties shall cooperate in the areas of fundamental and applied science, including industrial research, joint use of the achievements of modern science and technology, in accordance with their legislation and their international obligations in the field of intellectual and industrial property.

The Parties shall promote the intensification of contacts between their national academies and other scientific institutions, develop a joint infrastructure that will ensure the introduction of innovations, promote the establishment and operation of joint scientific production collectives, design and set up a common information network in the field of science and technology, encourage the carrying out of joint programmes and projects and exchanges of experience between scientists, specialists and experts, and create favourable conditions for the training of scientific personnel.

Article 16

The High Contracting Parties shall take all steps to promote the further development of cooperation in the humanitarian sphere, strengthen ties in various cultural fields, and facilitate the broadening of commercial contacts between trade unions and associations, cultural institutions and figures in literature and the arts at all levels.

Taking into account the historical role played by the Russian language in relations between the Russian and Armenian peoples, the Armenian side shall create conditions for more intensive study of the Russian language within the educational system of the Republic of Armenia. The Russian side shall create conditions to meet the need for study of the Armenian language in the territory of the Russian Federation.

The Parties shall promote the establishment and operation of cultural centres and shall cooperate in the field of public education and in the training of personnel in the areas of culture, the press, information, tourism and sports.

Article 17

The High Contracting Parties shall develop cooperation in the areas of public health, epidemiological monitoring, labour protection, social protection and pensions.

Article 18

The provisions of this Treaty shall not affect the rights or obligations of the High Contracting Parties under other international treaties to which they are parties.

Article 19

Disputes concerning the interpretation and application of this Treaty shall be settled through consultations and negotiations between the High Contracting Parties.

Article 20

For the purposes of coordinating activities for the implementation of the provisions of this Treaty, the High Contracting Parties shall, where necessary, create joint consultative bodies through the conclusion of separate agreements.

Article 21

The High Contracting Parties shall promote the broadening of parliamentary links between them.

For the purposes of the implementation of this Treaty, the High Contracting Parties shall establish a standing interparliamentary commission on cooperation.

Article 22

This Treaty shall be subject to ratification and shall enter into force on the date of exchange of the instruments of ratification, which shall take place at Erevan.

Article 23

This Treaty shall be concluded for a period of 25 years and shall be automatically extended for successive periods of 10 years unless one of the High Contracting Parties notifies the other High Contracting Party in writing of its desire to terminate it at least one year prior to the expiry of the current period.

DONE at Moscow on 29 August 1997 in duplicate in the Russian and Armenian languages, both texts being equally authentic.

For the Russian Federation
(Signed) B. YELTSIN

For the Republic of Armenia
(Signed) L. TER-PETROSSIAN

ANNEX II

Joint Russian-Armenian declaration signed in Moscow on 29 August 1997

At the invitation of the President of the Russian Federation, Mr. Boris N. Yeltsin, the President of Armenia, Mr. Levon H. Ter-Petrossian, made an official visit to the Russian Federation from 28 to 30 August 1997. The Presidents of the two friendly countries held a comprehensive exchange of views on all aspects of bilateral cooperation, including prospects for the further development of Russian-Armenian ties, and on the situation in and around Transcaucasia and on a broad range of international problems. The meeting of the two Presidents took place in an atmosphere of frankness, trust and mutual understanding.

The meetings and talks that were held during the visit confirmed the broad convergence of the interests of the two States in the political, military and strategic and economic fields, and the similarity of their approaches to global and regional problems. These meetings and talks clearly demonstrated the desire of the Russian Federation and Armenia to strengthen the traditional relations of close friendship and all-round cooperation and to preserve and increase everything positive that for centuries has drawn our peoples together and united them.

1. The Presidents stressed that relations between the Russian Federation and Armenia as sovereign and equal States will grow increasingly stronger and develop in accordance with the Charter of the United Nations and the objectives and principles of, and the obligations arising from membership in the Organization for Security and Cooperation in Europe (OSCE), and on the basis of the universally recognized principles and norms of international law. Over the past few years, the dynamics of bilateral cooperation has made it possible to upgrade these relations to the level of a strategic partnership.

Expressing the will of the peoples of the Russian Federation and Armenia to join efforts to maintain peace, strengthen security and promote the prosperity of the two States, Mr. Yeltsin and Mr. Ter-Petrossian signed the Treaty on Friendship, Cooperation and Mutual Assistance, which will become the basic legal instrument governing relations between the Russian Federation and Armenia. The Treaty is in keeping with the long-term and vital interests of the two countries and will further strengthen confidence and broaden all-round cooperation between them.

During the visit, the Russian Federation and Armenia also signed the Treaty on the legal status of citizens of the Republic of Armenia who are permanently resident in the territory of the Russian Federation, and of citizens of the Russian Federation who are permanently resident in the territory of the Republic of Armenia; the Agreement on questions of jurisdiction and mutual legal assistance in matters relating to the presence of the Russian military base in the territory of the Republic of Armenia; the Agreement on conditions for establishing and operating a Russian-Armenian university in Erevan; and a number of other intergovernmental agreements.

The Russian Federation and Armenia will support each other's efforts to continue and intensify the democratic transformations and market reforms that they are carrying out in accordance with their independently formulated programmes that take account of the specific characteristics of each country.

2. The heads of the two States noted the concurrence and similarity of their positions on key international issues and reaffirmed their desire to continue to cooperate closely in the area of foreign policy, including in the United Nations and other international organizations.

The Presidents noted that the end of the cold war and the beginning of the post-confrontational period signifies a transition from a bipolar to a multipolar world. This multipolar world is being created through the common efforts of all States, both large and small. It must become safe, stable and interdependent. The sides emphasized that there should be no recurrence of bloc politics or attempts to re-erect dividing walls.

Mr. Yeltsin and Mr. Ter-Petrossian called for the strengthening of the United Nations as the cornerstone of a system for consolidating peace, security and international cooperation, and the enhancement of its efficiency and effectiveness in the light of new conditions. In the opinion of the Presidents, the implementation of a mutually acceptable plan for adapting the United Nations system will facilitate progress towards these goals. At the same time, in reforming the Organization it is important not to lose sight of its achievements over half a century in the interests of international peace and security, and to increase its positive contribution to the solution of world problems.

The Presidents note the particular importance of the work on a charter of European security being done by OSCE on the basis of a decision adopted at the Lisbon Summit of that organization; the charter is an instrument the importance of which may be compared with that of the Helsinki Final Act. The charter should become the basis of a new security system that would reliably guarantee the security interests of all States. The Presidents believe that OSCE can play a central role in safeguarding security and stability in the Euro-Atlantic region. In this regard, they are in favour of further strengthening OSCE as a universal all-European organization, including the establishment of its own legal basis, and of granting OSCE a coordinating role with respect to other associations and groups concerned with issues of European security.

Considering the need for creating a single security area in Europe, Mr. Yeltsin reiterated his opposition to plans for expanding the North Atlantic Treaty Organization (NATO). The Presidents noted the importance of the signing of the Founding Act between NATO and the Russian Federation as a contribution to the strengthening of security and stability in the Euro-Atlantic region.

The Presidents of the two countries expressed their readiness to intensify their interaction with the European Union. The Russian Federation and Armenia reaffirm their intention to integrate their countries into the European and world economies.

The Russian Federation supports Armenia's desire to become a full member of the Council of Europe. The Presidents reaffirm their countries' commitment to

the generally accepted standards in the field of human rights and fundamental freedoms. The forthcoming summit of the Council of Europe in October 1997 should adopt important decisions aimed at strengthening democratic security and social stability in Europe.

The Russian Federation and Armenia reaffirm their intention to work actively in conjunction with other States to adapt the Treaty on Conventional Forces in Europe in order to enhance its viability and its effectiveness in ensuring equal security for all parties to the Treaty in the light of the current military and political situation in Europe.

3. As the heads of two of the countries that founded the Commonwealth of Independent States, the Russian Federation and Armenia declare their firm commitment to its purposes and principles. They will purposefully promote the strengthening and effectiveness of the Commonwealth and the optimum use of its potential, which today is being underutilized.

They noted with satisfaction that the Commonwealth of Independent States is being increasingly recognized as a regional organization in the world arena, and that it cooperates actively with the United Nations, OSCE and other regional associations.

The Presidents welcome the intensification of mutual contacts and good-neighbourly cooperation within the framework of the Commonwealth on a multilateral and bilateral basis. They believe that strengthening the integration processes within the Commonwealth is in keeping with the objective requirements for its development. These processes should not be artificially accelerated or restrained. The final word here rests with its member States, each of which independently determines for itself the most appropriate forms of integration.

4. Viewing Black Sea Economic Cooperation (BSEC) as an important aspect of their countries' foreign policy, the Presidents emphasized their readiness to transform BSEC into a full-scale economic cooperation organization of the countries of the region, as agreed at the Moscow meeting of heads of State and Government of the countries participating in BSEC.

Mutual interest was expressed in the early launching of a Black Sea trade and development bank, and also in investment and trade and economic projects involving BSEC. The parties expressed their conviction that Armenia's forthcoming chairmanship of BSEC will give new impetus to the development of this promising mechanism for regional cooperation.

Mutual interest was also shown in the development of other forms of regional cooperation for the purpose of stimulating integration processes in the region.

5. Mr. Yeltsin and Mr. Ter-Petrossian confirmed their countries' intention to give effect to the provisions of the Kislovodsk declaration entitled "For Inter-ethnic Accord, Peace and Economic and Cultural Cooperation in the Caucusus" adopted on 3 June 1996 at a meeting of the Presidents of Azerbaijan, Armenia, Georgia and the Russian Federation in the presence of leaders of the northern

Caucasian subjects of the Federation, and to consolidate the results of that meeting and its unique format.

After discussing in detail the problem of the Nagorny Karabakh conflict, the Presidents emphasized the need for it to be comprehensively resolved exclusively by peaceful means on a just basis acceptable to all parties.

Mr. Yeltsin confirmed the appeal to the leaders of all parties to the conflict contained in the Declaration of the Presidents of the Russian Federation, United States of America and France in Denver, to demonstrate a positive approach and, on the basis of the unified proposals by the Co-Chairmen of the Minsk Conference of OSCE, to achieve an early settlement through negotiations.

Mr. Ter-Petrossian noted the contribution of the Russian Federation to bringing about the cease-fire agreement in Nagorny Karabakh, and commended the role and mediation efforts of the Minsk group of OSCE.

6. The Presidents attached priority to issues of the further development and strengthening of Russian-Armenian relations, and will pay constant attention to them. What is involved is giving practical effect to the provisions of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and Armenia, signed in the course of the visit, progressively implementing the bilateral agreements that already exist, and further expanding the legal basis for cooperation in all fields.

Mr. Yeltsin and Mr. Ter-Petrossian agreed to continue the political dialogue. Regular consultations, including consultations at the highest level, will be held on matters of mutual interest. The Presidents called for an expansion of contacts between representatives of the legislative and executive authorities, and also at the level of subjects of the Russian Federation and districts of Armenia.

The heads of State expressed unity of views on the problems of ensuring mutual security and protecting the outer border of the Commonwealth of Independent States, and call for the further development of cooperation in relation to military matters and military technology between the border forces of both countries on a long-term basis. The major role played by the Treaty on the Russian military base in Armenian territory of 16 March 1995 in the interests of strengthening their relation as allies was noted. They emphasized that that cooperation was not directed against third countries.

7. The Presidents attach fundamental importance to the development of stable long-term trade and economic links between the Russian Federation and Armenia, both at the inter-State level and at the level of enterprises under all forms of ownership, as well as in relation to the reciprocal attraction of investment.

It was noted that the current volumes of economic cooperation are not commensurate with the potential capabilities of the two countries, and need to be substantially increased. A major responsibility in this area rests with the Russian-Armenian Intergovernmental Commission on Economic Cooperation.

It was emphasized that over the whole range of economic, production and scientific and technical relations between the Russian Federation and Armenia, energy supply plays a strategic role. The most important subject of cooperation remains the Armenian nuclear power station. The Presidents welcomed the signature during the visit of documents between the Government of Armenia and the Russian corporation Gazprom on the establishment of a joint enterprise to supply gas to Armenia and construct a gas pipeline between the Russian Federation and Turkey through Armenian territory.

Promising directions of cooperation of development of cooperative links in the mining and metallurgical, chemical and jewellery industries and light industry, mechanical engineering, building materials production, military industrial complexes and agro-industry complexes; the establishment of inter-State industrial and financial groups and joint enterprises; cooperation between transport department; harmonization of the actions of the banking systems of Armenia and the Russian Federation; and other joint actions taken in the light of the mutual economic interests of the two countries.

The Presidents noted with satisfaction the strengthening of contacts between business circles in the Russian Federation and Armenia, and support their initiative for the holding in Erevan in the autumn of 1997 of a representative bilateral business forum.

The most valuable possession of the Russian and Armenian peoples is the spiritual and cultural closeness that has developed between them over the course of history. The Presidents are fully resolved to promote the strengthening of Russian-Armenian contacts in the field of culture, science, education, tourism, sport and information and to encourage contacts between people and social organizations.

A major event will be the opening in Erevan in 1998 of the Russian-Armenian University. The necessary conditions will be created for in-depth study of the Russian language in Armenia and the Armenian language in the Russian Federation.

Agreement was reached regarding the opening of a Russian information and cultural centre in Erevan and an Armenian one in Moscow.

The Presidents confirmed that the parties will reliably guarantee to nationals of the other party resident in their territory rights and freedoms in conformity with international law, the multilateral agreements to which they are parties and agreements between them.

* * *

The President of Armenia, Mr. L. A. Ter-Petrossian, invited the President of the Russian Federation, Mr. B. L. Yeltsin, to visit Armenia on a State visit. The invitation was gratefully accepted. The timing of the visit will be agreed upon in due course.

B. YELTSIN
President of the Russian Federation
Moscow, 29 August 1997

L. TER-PETROSSIAN
President of Armenia

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# COOPERATION BETWEEN THE UNITED NATIONS AND THE ECONOMIC COOPERATION ORGANIZATION

## Note verbale dated 8 September 1997 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Permanent Mission of the Islamic Republic of Iran to the United Nations has the honour to forward herewith, in its capacity as the current Coordinator of the Economic Cooperation Organization Contact Group in New York, a copy of the text of the Final Declaration of the Extraordinary Summit Meeting of the Economic Cooperation Organization, held at Ashgabat, Turkmenistan, on 13 and 14 May 1997.

It would be highly appreciated if the text of the present note verbale and its annex could be circulated as a document of the General Assembly under item 34 of the provisional agenda.

* A/52/150 and Corr.1.

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ANNEX

Ashgabat Declaration on the development of transport and communication infrastructure and network of transnational pipelines in the Economic Cooperation Organization region

The Extraordinary Summit Meeting of the Economic Cooperation Organization (ECO) was held at Ashgabat, Turkmenistan, on 13 and 14 May 1997. The meeting, presided over by Mr. Saparmurat Niyazov, President of Turkmenistan, was attended by: Mr. Burhanuddin Rabbani, President of the Islamic State of Afghanistan; Mr. Heydar Aliyev, Azerbaijani Republic; Mr. Akbar Hashemi Rafsanjani, President of the Islamic Republic of Iran; Mr. Nursultan Nazarbaev, President of the Republic of Kazakhstan; Mr. Apas Djumagulov, Prime Minister of the Kyrgyz Republic; Mr. Mohammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan; Mr. Emomali Rakhmonov, President of the Republic of Tajikistan; Mr. Süleyman Demirel, President of the Republic of Turkey; and Mr. Islam Karimov, President of the Republic of Uzbekistan.

The Heads of State and Government held, in a cordial and brotherly atmosphere, an exchange of views on issues of common interest in the fields of transport, communication and energy. In this context the Heads of State and Government,

Mindful of the provisions of the Treaty of Izmir, the Quetta Plan of Action, the Istanbul Declaration, the Islamabad Declaration, the Ashgabat Declaration of 1996 and the emphasis in the Economic Cooperation Strategy for the ECO region on pursuing the stipulated goals in the priority areas of trade, transport, communications and energy, focusing in particular upon the provision of measures to facilitate the transit of energy, oil and gas pipelines and other energy resources as well as their access to international markets,

Reaffirming their resolve to build and strengthen the infrastructure linking the ECO member countries to each other and with international markets through viable road, railway, sea and air connections and routes as well as networks of oil and gas pipelines,

Reiterating the concern for accelerating the process of regional cooperation in the priority areas of transport and communications, trade and energy as underlined in the Ashgabat Declaration adopted during the Fourth Summit Meeting of the Heads of State and Government of the States members of ECO,

Expressing satisfaction at the completion of important projects and programmes and the conclusion of arrangements envisaging multilateral cooperation in the fields of transport, communications and energy,

Considering the urgency of the expeditious implementation of the remaining projects and programmes for the development of the transport and communication sectors within the framework of the Almaty Outline Plan,

Recalling General Assembly resolutions 48/170 of 21 December 1993 and 49/102 of 19 December 1994 underlining the problems arising out of the geographical location of Central Asian States, and subsequently the positive affirmation made by the Assembly in its resolution 51/21 of 27 November 1996 incorporating the world body's acknowledgement of the potential and resources of ECO as a "permanent body for intraregional cooperation, consultation and coordination in order to enhance economic, social and cultural development", the concrete steps undertaken so far to provide the landlocked countries of the region further access to other regions and the need for various entities of the United Nations system to join efforts towards the implementation of economic projects and programmes of ECO,

Endorsed the following to reiterate and incorporate their commitment to promoting the well-being of the peoples of the ECO region through concerted efforts in the transport, communication and energy sectors:

1. The Programme of Action for the ECO Transport and Communication Decade and the construction of oil and gas pipelines in the ECO region must be recognized as an urgent need and a priority goal.

2. To evolve a mutually agreed tariff policy and to seek harmony in technical standards for railway transport in the ECO region, recommendations may be formulated by the concerned experts of the respective countries to ensure the successful development and effective operation of the trans-Asian railway and to facilitate expansion of trade, tourism and economic cooperation among ECO countries.

3. The inauguration of the Tejan-Sarakhs-Mashhad railway line to link the Central Asian member countries and Azerbaijan to the ports on the Persian Gulf and Arabian Sea as well as with European countries through road and railway connections to Black Sea and Mediterranean ports via Turkey and the finalization of arrangements to use the Karakoram highway for commercial and trade exchanges among member States are positive developments. Existing expertise and resources in the ECO region must be mobilized to complete the interconnection of road and railway routes, including the construction of missing links.

In this regard, the concerned authorities in the member States may undertake necessary measures towards completion of remaining road and railway links within the ECO region as envisaged in the Almaty Outline Plan, providing Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan with access to adequate seaport facilities in the Islamic Republic of Iran, Pakistan and Turkey, giving special priority to the transit roads connecting Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan with the ports of Karachi and Gwadar through Afghanistan, in accordance with their mutual agreements.

Similarly, priority should be given to the completion of the Kerman-Zahedan, Bafq-Mashhad and Kars-Aktas-Boyuk-Kasik-Baku railway lines, as well as to the expeditious implementation of feasibility studies, surveys, engineering and construction works and upgrades in the Kushka-Herat-Kandahar-Chaman, Termez-Khairation-Mazar-i-Sharif-Herat-Kandahar-Chaman, Andijan-Torugart, Eralieve-Turkmenbashi-Gazanjyk-Bandar-Turkmen, Astara (Azerbaijan)-Rasht-Qazvin,

Chahbahar-Zahedan and Arak-Khosravi railway lines, the Kuliab-Kalay-Khumb-Khoroz-Murgab-Karakoram highway and the Almaty-Bishkek-Torugart-Gilgit-Hassanabdal, Andizhan-Osh-Irkeshtam, Nizhniy Pyandzh-Sherkan-Bandar-Kabul, Beneu-Akjigit-Kungrat-Khojeylli, Termez-Hairatan-Mazar-i-Sharif-Kabul-Jalalabad-Peshawar-Karachi and Herat-Frah-Kandahar-Quetta-Karachi-Gwadar roads, connecting Ashgabat with the ports of Karachi and Gwadar and passing through Sinboldok-Kandahar-Herat, and the road linking Termez with Herat through Shebergan-Maimana, the Kerman-Ravar-Deyhuk, Kerman-Shahdad-Nehbandan-Zabol, Poldasht-Marand-Urumieh-Sanandaj-Khorramabad-Ahvaz-Khorramshahr-Abadan-Bandar Imam roadway, the Miyane-Ardebil-Parsabad (Iran)-Imishi (Azerbaijan), Sadarak (Azerbaijan)-Kars (Turkey), Balykchi-Osh-Andizhan, Baku-Guymyzy Korpu-Hopa-Trabzon highway and the construction of road bridges across the Amudarya River in the Farab district.

The Ministers of Transport, at their meeting to be held at Ashgabat in December 1997, shall review and finalize the above routes as part of the Programme of Action for the ECO Transport and Communication Decade.

4. Concrete steps must be taken to expedite the development and operation of the Istanbul-Tehran-Mashhad-Sarakhs-Tejan-Charjev-Tashkent-Almaty-Aktogai-Durzbha trans-Asian railways, known as the "Silk Railway Route", and the Ashgabat-Turkmenbashi-Baku route of the Transport Corridor Europe-Caucasus-Asia project to promote international trade and sociocultural interaction among the people of the region.

5. In view of the urgent need for the development of the ECO region's rolling stock, close cooperation among ECO member States must be promoted for manufacturing and repairing locomotives, passenger carriages, freight cars, containers and other railway equipment, using the ECO countries' own resources as well as preferential credits of international financial institutions issued under the guarantee of the Governments of ECO member States and other financial sources.

6. The possibility of establishing regional consortiums to develop ECO road and railway networks and road infrastructure in conformity with international standards may be examined by the concerned experts in the member States and submitted for consideration during the next ECO Summit Meeting.

The conclusion of an agreement between Kazakhstan and Turkmenistan for the establishment of a consortium under the chairmanship of Mr. Saparmurat Niyazov, the President of Turkmenistan, to construct a railway link on the Eralieve-Bekdash-Turkmenbashi-Bandar-Turkmen line or the Ozen-Gyzylgaya-Gazanjyk-Bandar-Turkmen line of the north-south transport corridor is a concrete input to regional cooperation. Other ECO member States may also consider participating in order to extend the scope and positive results of this venture on a multilateral basis.

7. The operationalization of the ECO Shipping Company signifies the potential that the ECO region possesses in developing and promoting the trade and commercial relations of the member countries with each other as well as with other regions. Those member States which are not signatories to this project

may consider the possibility of joining it and offering assistance and facilities to ensure the efficient and successful operation of the Company.

8. In order to facilitate the operationalization of the ECO air project for the movement of passengers and cargo, those member States which are not signatories to this project may facilitate its proper, efficient and successful operation.

9. Since the Trans-Asian-European fibre optic system, linking all the countries of the region, is expected to be operational in 1997, the Advanced Cargo Information System as well as the automated system for customs data (ASYCUDA) of the United Nations Conference on Trade and Development (UNCTAD), which is compatible with other systems, may be introduced in each ECO member State with the technical assistance of UNCTAD and the United Nations Development Programme.

10. The formulation and finalization of the draft transit transport framework agreement should be expedited with the technical assistance of the Islamic Development Bank, the Economic and Social Commission for Asia and the Pacific and UNCTAD.

11. To promote trade within the ECO region, ECO member States should finalize the establishment of their guaranteeing associations in accordance with the provisions of the Customs Convention on International Transport of Goods under Cover of TIR Carnets (1975).

12. With the completion of requisite formalities, the ECO Transit Trade Agreement shall come into force in the near future. In this regard, the establishment of the Committee on Transit Trade during 1997 at Ashgabat would facilitate commercial interaction and flow of goods within the ECO region.

13. With its rich natural resources in the fields of oil, gas and electricity, trained manpower and infrastructure, the ECO region has the potential and resources to become one of the prosperous regions of the world. Regional cooperation in these fields and maximum utilization of the existing resources and potential of ECO member States will promote complementarities of their economies; enhance productivity, technical and economic viability and optimal utilization of energy supply and contribute to the improvement of the ECO region's socio-economic environment.

In pursuance of the above, a high-level expert task group should be set up to recommend within a specific time-frame measures for the expeditious implementation of agreed projects, to determine viable future routes within the overall regional perspective and to suggest policy courses envisaging oil and gas pipelines providing landlocked oil- and gas-producing ECO member countries with safe, stable and economically expedient access to international markets within as well as across the ECO region, according to bilateral and multilateral agreements.

14. Ensuring a meaningful development of economic cooperation and providing the landlocked oil- and gas-producing ECO member countries with access to world markets is to be recognized as an urgent need. In this regard, the possibility

of the establishment of regional consortiums to construct the following oil and gas pipelines may be considered:

Oil pipelines

- Kazakhstan-Uzbekistan-Turkmenistan-Afghanistan-Pakistan;

- Central Asia to the Persian Gulf via the Islamic Republic of Iran.

Gas pipelines

- Turkmenistan-Iran-Turkey-Europe;

- Uzbekistan and Turkmenistan via Afghanistan to Pakistan.

In addition to the above routes, Turkmenistan has proposed a new gas pipeline starting from Turkmenistan to East Asia via Uzbekistan, Kyrgyzstan and Kazakhstan as well as from Turkmenistan to Azerbaijan through the Caspian Sea and to Turkey, which should also be considered by an ad hoc committee as soon as possible.

In this regard, ECO member countries may also furnish competitive and economically profitable projects envisaging oil and gas exploration, development and transportation to the ECO secretariat, which shall arrange and coordinate an ad hoc committee to examine and prepare a framework document including agreed technical and other policies in the field of oil and gas transportation and submit it to the ECO at its next summit meeting.

15. In order to promote the safe and effective parallel functioning of power systems of the ECO member States, and bearing in mind the decisions contained in the Quetta Plan of Action adopted in February 1993, the parties endorse the establishment of a joint power system in the region.

16. The parties agree to establish the Permanent Conference of ECO on transport and communications. The mechanism of functioning of this permanent body, based at Ashgabat, shall be worked out and adopted by the Council of Ministers of ECO member States.

The participating Heads of State and Government expressed their gratitude and profound appreciation to the President of Turkmenistan and the Government and people of Turkmenistan for the warm welcome and gracious hospitality extended to them during their stay and for the excellent arrangements made for the Extraordinary Summit Meeting.

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QUESTION OF EAST TIMOR

Letter dated 8 September 1997 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale from the Permanent Mission of the Republic of Indonesia to the United Nations, dated 16 June 1997 (see annex), in response to the communication of 19 May 1997 from the Permanent Mission of Portugal to the United Nations concerning East Timor (A/52/152).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the fifty-second session of the General Assembly.

(Signed) Makarim WIBISONO
Ambassador
Permanent Representative

* A/52/150 and Corr.1.

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ANNEX

Note verbale dated 16 June 1997 from the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the note verbale dated 19 May 1997 from the Permanent Mission of Portugal addressed to the Secretary-General (A/52/152), has the honor to state the following :

1. The historical facts of Portugal's abandonment of East Timor is indisputable after it hastily fled the territory in a most irresponsible manner in August 1975. In this regard, it should be recalled that even before the Portuguese authorities physically left the territory, the colonial power had completely lost control of the situation which swiftly turned from bad to worse, and bloody civil war followed. In fact the Portuguese Government had admitted to the international community that the chaotic situation was beyond its control, as evident from the letter of the Chargé d'Affaires a.i. of the Permanent Mission of Portugal addressed to the Secretary-General of 28 November 1975, stating that *"under the circumstances, the Portuguese authorities do not have the means to assure normalization of the situation of Timor"*. Such words and action can only be viewed as abdication by the former colonial authorities of its solemn responsibilities that it had assumed as the Administering Power under the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. Furthermore, after removing itself from the territory, it had ceased to have first-hand knowledge of the situation in East Timor. It is therefore incredible that even after recognizing the fact that it was not in a position to submit a report under Article 73 (e) of the Charter, Portugal uses the forum of decolonization to pursue an unrelenting campaign of disinformation and hatred against Indonesia.

2. Portugal's past record as the worst and most ruthless colonial power is well known to the global community. In this regard, it merits reiteration that the author Sydney Bailey in his book entitled *"The UN Security Council and Human Rights"* illustrates the latter point well, particularly with regard to the suppression of human rights and fundamental freedoms in Portugal's former colonies. The actions of the former colonialist precipitated the adoption of a comprehensive resolution which included a declaration that *"Portuguese colonialism on the African continent (was) a serious threat to the peace and security of independent African States "*.(SCOR, Supplement for Oct to Dec. 1970, pg 51, S/9987;

1558th mtg.(22/23 Nov. 1970), para.7, S/9988; 25th year, Special Supplement no. 2, S10009; SC res.289 (S9990/Rev. 2), 23 Nov. 1970; SC res. 290 (S10030), 8 Dec. 1970. Numerous other Security Council resolutions affirmed the goals of self-determination and independence and urged Portugal to desist from repressive measures and called for free political activity (SC res.163(S/4835), 9 June 1961; SC res. 180 (S/5380), 31 July 1963; SC res. 183 (S/5481), 11 Dec. 1963; SC res. 218 (S/6953/Rev. 1 as amended), 23 Nov. 1965; SC.res. 290 (S/100030), 8 Dec. 1970; 1603rd mtg. (30 Nov.1971), para 5; SC res. 312 (S10607/Rev. 1), 4 Feb. 1972; SC res. 322 (S/10030), 8 Dec. 1970). In this connection, it must be emphasized that each resolution was worded more strongly than previous ones, with the operative word describing Portugal's actions from *"deprecates"* in 1963, to *"deplores"* in 1965, to *"condemns"* in 1972 (SC. res 180(S/5380), 31 July 1963; SC res. 218 (S/6953/Rev. 1, as amended), 23 Nov. 1965; SC res. 312 (S/10607 Rev. 1) 4 Feb. 1972).

3. Many eminent personalities, including the following authors, have been critical of Portugal's irresponsible actions regarding its former colonial territory of East Timor and its negative campaign against Indonesia.

(a) Mr. Robert Barry, the former US Ambassador to Indonesia from 1992 to 1995, in an article entitled *"An Errant Noble Peace Prize"* in the Washington Post on 29 October 1996 wrote :

> *"The dilemma of East Timor was created in 1974, when a leftist government in Portugal suddenly withdrew from its colonies around the world, including the eastern half of the island of Timor...".*

(b) Mr. Richard Wolcott, former Secretary for the Australian Department of Foreign Affairs and currently the Trade and Visiting Fellow in the Research School of Pacific Studies, at the Australian National University, in an address to the Sydney Institute on 26 May 1994, in Sydney entitled *"Myths and Realities in our Approach to Indonesia"*, noted the following:

> *"an abandoned Portuguese colony, situated within the Indonesian archipelago, in a state of civil war. The assertion that Portugal is the Administering Power in East*

*Timor is, except in the most arcane legalistic sense, fatuous since Portugal abandoned its neglected colony seventeen years ago".*

(c) Thomas Michel, Secretary for the Office for Ecumenical and Interreligious Affairs of the Holy See in a speech on *"East Timor: The Case of Integration"* delivered before the Federation of Asian Bishop's Conference, spoke at length on the onslaught of the civil war in East Timor :

*"The night of 27 August, .... the whole colonial government, together with virtually all Portuguese, mixed blood Timorese and Chinese who could find a boat, fled to the nearby island of Atuaro, then to Australia and Portugal. The number of refugees quickly reached 50,000".*

(d) Mr. Edward Masters the former US Ambassador to Indonesia, in an article in the Asian Wall Street Journal of 22 August 1995, observed :

*"Criticism from Portugal is particularly galling. Indonesia made East Timor a province in 1976 after the Portuguese Government abandoned its island colony in the midst of a communist-led civil war. In December 1975, following requests from non-communist elements in East Timor Indonesian troops moved in to protect vital security interests on Indonesia's periphery and to stem the flood of refugees in the Indonesian territory. While many people were killed in civil war and guerilla clashes starting in the mid-1970 s, more still died because of economic dislocation and drought that began in the final years of Portuguese rule. The colonial power, now badgering Indonesia and contributing to the international furor over East Timor, bears a significant share for the island's poverty and present difficulties".*

(e) Prof. Bilveer Singh of the Singapore Institute of International Affairs published a study on East Timor entitled *"East Timor - Indonesia and the world - myths and realities"* in 1996 (revised edition) and wrote :

*"While the British were the last colonial power to leave the region when it handed ....sovereignty to Brunei...in 1984, the Portuguese in turn, entered the annals of Southeast Asian decolonization history as the Power that simply failed to carry out*

*transfer of power in an orderly fashion....it was forced to abandon its colonial possession literally in retreat and dishonor. It was the unfolding of this tragic event, more than anything else that was to launch what has now come to be known as the Timor Problem. It is the contention of this writer that it was in the failure and neglect of the successive Portuguese Governments to prepare the Timorese people for self-determination and the manner in which Lisbon abandoned its colonial possession that the roots of the present Timor Problem can be found....As far as the international political dynamics of what East Timor is today Portugal must go down in history as one of the most irresponsible colonial Powers as it abrogated and failed in its obligations to the people of Portuguese Timor whom it colonized for nearly 450 years. This is all the more important in view of the hypocrisy with which Lisbon has continued to maintain its status as the sole legal political guardian of East Timor...".*

4. After Portugal's abject failure to carry out its obligations as the Administering Authority and in the face of the mounting terror of one minority group against the people of East Timor, the representatives of the majority population in the territory considered themselves no longer bound to the colonial power and proclaimed on 30 November 1975 the independence of East Timor through integration with the Republic of Indonesia. The exercise of the right to self determination was carried out in accordance with United Nations General Assembly Resolutions 1514 (XV), principles VI, VIII and IX of 1541 (XV) and 2625 (XXV) and in line with the traditional democratic practices of the East Timorese. In this context, it is important to focus attention on the fact that the decolonization process was conducted in the territory according to a system, similar to the plan originally conceived by the Portuguese colonial authorities, i.e. Constitutional Law number 7/75. Therefore, by its own actions, Portugal has forfeited the right to be still considered the Administering Power. Further, it is inconceivable to consider giving Portugal another chance to undertake the decolonization process that it utterly mishandled twenty-two years ago.

5. It is reprehensible for Portugal to base the contents of its note verbale on biased, unreliable and uncorroborated sources of information. Furthermore, it has utilized the provisions of Article 73 (e) to indulge in making blatant misrepresentations and slanderous allegations against Indonesia and on the prevailing situation in East Timor. The Permanent Mission of Indonesia is therefore compelled to make the following clarifications:

(a) Indonesia has rejected the resolution adopted by the United Nations Commission on Human Rights at its 53rd meeting, held on 16 April 1997. This resolution was not passed by acclamation but through voting in which 20 were in favor, 14 against and 18 abstained while still another member did not participate. It is clear from the results of the vote that there was polarization among the 53 members of the Commission. Also the resolution was replete with misrepresentations, concerning the facts as well as the current situation in East Timor. The allegations in the resolution have no basis whatsoever and many issues have been grossly exaggerated. In matters of human rights, although all countries should strive towards a perfect state devoid of any violations, in reality no country can claim to have a picture-perfect record. Further, the resolution is so politically charged and biased that it did not even reflect the progress already achieved in improving human rights conditions in the province in all its aspects, including civil, political, social, economic and cultural rights. During the past three years, 1994, 1995 and 1996, Chairman's consensus statements were adopted on this issue. However, since Portugal and its supporters have consistently shown the tendency to manipulate the contents of the Chairman's Statements, accusing Indonesia unfoundedly of non-compliance of these Statements, Indonesia refused to accept a Chairman's Statement once again which was completely one-sided and highly intrusive.

(b) Reports of the UN Human Rights mechanisms can not be accepted in their entirety as credible and reliable as not all of them are premised on objectivity and impartiality and Indonesia has expressed regret and disappointment at these unbalanced reports. In this regard, the report of the Working Group on Enforced or Involuntary Disappearances contained in document E/CN.4/1997/34 can hardly be termed as objective and reliable when it is replete with discrepancies and fails to reflect pertinent realities. In particular, the report alleges an increase in the number of disappearance cases in East Timor in 1996 but does not substantiate its findings with any concrete factual evidence.

(c) It is also the firm view of Indonesia that the implementation of any technical cooperation is clearly the prerogative of a sovereign nation. In this regard, it should be noted that technical cooperation and advisory services accorded by the UNHCHR/Center for Human Rights are at the complete discretion of the concerned States. During the last visit of the High Commissioner on Human Rights, Mr. José Ayala Lasso, to Indonesia on 2-7 December 1995, several agreements in principle were reached between the UNHCHR

and Indonesia, with a view to enhancing technical cooperation in the field of human rights. Both parties agreed, *inter alia*, to upgrade the "Memorandum of Intent on Technical Cooperation" to "Memorandum of Understanding". However, it deserves clarification that the Memorandum of Intent only covered technical cooperation and not the establishment of a human rights office in Jakarta.

(d) The Government of Indonesia remains committed to cooperating with all UN human rights mechanisms and will duly consider the possibility of inviting the Commission's mechanisms at a time deemed appropriate.

(e) The individual rights of the East Timorese people have been further enhanced with the opening of a branch office of the National Commission on Human Rights, in Dili on 26 June 1996, to monitor the human rights situation in the province as well as to promote the human rights of the East Timorese. Further, the Dili office has also served as an additional channel for East Timorese aspirations aside from the Catholic Church and the ICRC. In this context, it should be noted that the National Commission on Human Rights has been praised by the international community for maintaining its objectivity and impartiality when assessing various incidents of human rights violations. Since its inception in Dili, the branch has received complaints of more than 100 people over their plight as former members of TROPAS, the colonial Portuguese army.

(f) Contrary to the accusations of Portugal, Indonesia has undertaken every effort to find the missing persons of the Dili incident,totalling 54, in keeping with its commitment to the Chairman's Statement of the Commission on Human Rights of 1992. In this regard, it has been learnt that some of these individuals may have fled to Australia in May 1996, while other East Timorese youth had forcefully gained entrance to foreign embassies in Jakarta and have since emigrated to Lisbon. Some activists living overseas have even claimed to be veterans of the Dili incident and it is expected that more and more individuals will fall into this category. In view of these facts, it is futile to continue the search for missing persons.

(g) As far as Indonesia is concerned, the reports of Amnesty International and certain NGOs have been consistently based on pre-conceived notions and pre-determined views, reflecting its intense bias against Indonesia. It is in this context that Indonesia has never

granted permission to organizations like Amnesty International to visit the province as such negative campaigns do not serve to advance the cause of the East Timorese people.

(h) Portugal's attempts of portraying a "grave" and "serious" situation in East Timor are a complete fabrication. Allegations of torture, disappearances, detentions and killings are contrary to the prevailing realities in the province. It is simply a desperate and futile attempt on the Portuguese side to assuage its guilt at its own dismal colonial record in the territory. Neither have such allegations been substantiated with concrete evidence. The Indonesian Government fully accords due process of law to every citizen, including the East Timorese people. Whenever individuals are detained for questioning against whom there are no grounds for prosecution, they are promptly released. Likewise, those who are convicted are treated in full conformity with national laws and universally recognized norms. As in any law abiding society, the local law-enforcement officials are charged with upholding national criminal laws and the constitutional rights of Indonesian citizens during questioning, detaining or making arrests. Therefore to blatantly level accusations, based on unnamed and uncorroborated sources, that detainees were mistreated and tortured, are unwarranted.

(i) In East Timor, it is known that some youths, manipulated by outside sources, are responsible for disrupting law and order, by staging riots, demonstrations and threatening the safety of the local people. It is hoped that younger generations attending elementary school to higher education centres will learn of the cruelties and atrocities of the Portuguese colonial power during its 450 years of occupation, to understand the true reasons of their forefathers in choosing integration with Indonesia. Only in this way will young East Timorese fulfil their true potential in the development of the province.

(j) It is regrettable that what started out as a welcoming ceremony for the 1996 Nobel Laureate, Bishop Belo, turned into a violent demonstration, causing the tragic death of one off-duty soldier and injuries to 11 bystanders. The ultimate aim of such behavior is the imposition of political objectives of a few on the people of East Timor. It should be noted that the state police vested with the authority to handle demonstrations exercised a high degree of self-restraint and took care not to be provoked by the culprits - the kind of reaction that is expected by these instigators whose intention is to create trouble and besmirch the good name of Indonesia. The Bishop of Dili condemned the incident and

expressed deep regret to the family of the victim. A member of the National Commission of Human Rights who is also an East Timorese native described the brutal killing as a glaring violation of human rights. Under these circumstances, it is preposterous for Portugal, based on the report of Amnesty International, to accuse the Indonesian authorities of "mistreating" these "perpetrators" in order to pressure them for confessions.

(k) The accusation that military personnel were involved in the death of a civilian on 25 April 1997 is a complete falsehood. What occurred was that local youth, instigated by anti-integration elements, went on a rampage, burning two vehicles that belonged to the Chairman and Secretary of the Golkar party in Baucau and caused the death of an East Timorese victim, identified as Alfino, the younger brother of a member of the Baucau district military command. Those responsible for this criminal act were handed over to the police by Baucau's parish priest after they had sought asylum in the church.

(l). In recent months, East Timorese youth have scaled the fences of foreign embassies in Jakarta even though they have never been persecuted or under the threat of persecution. Rather they are the victims of lack of opportunities in the employment market or have been manipulated by outside elements. On humanitarian consideration, the Government of Indonesia has always granted permission for these youths to leave for Portugal if they so wished. It is therefore regrettable that once they arrive in Portugal, they are subjected to deplorable living conditions with no jobs or future in sight. This was a point that Mr. Manuel Joaquim Rodriguez Macedo, Chairman of the Portugal-Indonesia Friendship Association (PIFA), alluded to journalists at a press conference in Indonesia in April 1997 that the East Timorese had their dreams to a better life in Portugal dashed. For each youth receives US $ 120.00 in monthly welfare payments from the Portuguese Government for a period of only six months which they use to learn Portuguese. Then the government stops welfare payments as unemployment is already high in Portugal. Also the youths are accommodated in shabby dormitories, with between 10 and 12 people sharing a 12-square-meter room. These worsening conditions have caused many East Timorese youth to appeal to the PIFA to facilitate their return back to Indonesia.

(m) The Government of Indonesia has given permission to the ICRC to facilitate the travel to Dili, East Timor, of two Portuguese citizens, namely, Elvira Lucellina Dos Santos and Priscilla Chivela Soares, to join their families in Dili, in May 1997. It has become well

known in the East Timorese community in Portugal that life in the former colony is not as wonderful as they had envisaged and many have expressed an interest in returning home to East Timor, to be reunited with their families.

(n) The Chairman of the PIFA has informed that he has planned to write a book revealing a number of interesting issues concerning Portugal's relationship with its former colony. This book is intended for East Timorese youths who are unaware of the atrocities committed by the occupying colonialist power before integration of East Timor with Indonesia and it will be translated into Indonesian, English and French languages.

(o) It has always been the practice of Indonesia's detractors abroad to manipulate and exploit every event taking place in East Timor, especially during visits of foreign dignitaries by instigating small groups of East Timorese to engage in unlawful acts, including violent demonstrations, in order to provoke reactions from the authorities and thereby attract international attention. One such demonstration took place at a hotel where the Personal Representative of the United Nations Secretary-General on the question of East Timor, Ambassador Jamsheed Marker, was staying on 23 March 1997 and the police exercised great restraint in handling the incident. Yet another one took place on 24 March 1997, when a few East Timorese staged a sit-in at the Austrian Embassy and demanded to meet with Ambassador Marker. It is fact that their actions were manipulated by outsiders as their documents were carefully worded in English. Furthermore, attempts to exploit the situation and besmirch the reputation of Indonesia by the circulation of misleading reports by Ramos Horta alleging that the said incident caused fatalities, were immediately denied by both Ambassador Marker and the ICRC.

(p) As to the remarks concerning alleged human rights abuses in East Timor by the US Congressman, Patrick Kennedy (Democrat-Rhode Island), it not only reflects a lack of knowledge of the current realities in the province but worse still, is a politically motivated comment. It is well known that such anti-Indonesia remarks by US Congressmen are made to gain popularity in their congressional districts which are dominated by large Portuguese communities.

(q) Regarding prisoners in East Timor, the ICRC has been given full authority to visit East Timorese prisoners in custody and to those serving their jail sentences, including

Xanana Gusmao at Cipinang prison in Jakarta. In addition, the ICRC representatives were also granted free access to people they wanted to meet both in East Timor and other parts of Indonesia. In this regard, the last four programmes of visits took place on 19-22 August 1996, 25 November-2 December 1996, 5-6 March 1997 and 1-3 April 1997. The ICRC continues to assist in improving the living conditions of the prisoners, including sanitation in prisons. Since 1979, it has played an important role in the repatriation and reunification of East Timorese from the province with their relatives in Portugal. It has also facilitated the departure and travel of East Timorese youths to Portugal after their bid for political asylum was denied by several embassies in Jakarta in the last two years. Indeed, in a rare situation, the ICRC office in Dili, East Timor, handed over a fugitive who sought refuge on the ICRC premises and was wanted by the police as one of the suspects in the brutal killing of an off-duty soldier during a welcoming ceremony for the Bishop of Dili Monsignor Belo, the 1996 Nobel Peace Laureate, on 24 December 1996. As one of the independent sources, the ICRC continues to work closely with the Indonesian authorities in clarifying inaccurate information regarding prisoners or victims of certain incidents.

(r) East Timor is open but such openness has often been abused by some visitors who land on the island with a priori perception and produce biased and unbalanced reports. Almost no single month has passed without some programme of visits as shown by the following visitors to the province over the past year : Dr. Abilio Araujo and Prof. Dr. Antonio, members of Portuguese Academician Group, 6-8 August 1996; Cardinal Edward Clancy, the head of the Catholic Church in Australia, 9-18 August 1996; Mr. L.B. Labuschange, Senior Officer of the South African Ministry of Foreign Affairs, 15-17 August 1996; Mr. Grover Rees and Mr. Robert Hathaway, US House of Representatives, International Relations Committee, 11-13 October 1996; Ambassador Sally Shelton, USAID Headquarters Office in Washington, 24-25 October 1996; Dr. Thomas Glaser, Deputy Director of the Federal Foreign Ministry of Germany, 25-27 November 1996; Prof. Dr. Luis Felipe Thomas, Portuguese historian, 14-18 December 1996; A Brazilian Parliamentary Delegation, led by Deputy Aracely de Paula and Senator Antonio Carlos Valdares, Deputy Pedro Valdares, Deputy Feu and Mr. Wellington Franco de Oliveira as members, 16-17 December 1996; Mrs. Judith Sefi Attah, Minister for Women's Role and Social Welfare of Nigeria, Chairman of the Forty-Sixth Session of the Sub Commission on the Prevention of Discrimination and Protection of Minorities, 17-18 December 1996; Mr. Patrick Kennedy, US Congressman (Democrat-Rhode Island), 23-24 December 1996; Mr.

Frank R. Wolf, US Congressman (Republican - Virginia) with two members of his staff, Mr. Charles White and Mr. William Gray, 12-14 January 1997; Mr. John Shattuck, US Assistant Secretary of the State Department on 21 March 1997; Ambassador Jamsheed Marker, Personal Representative of the UN Secretary-General on the Question of East Timor on 22-24 March 1997; Ambassadors and representatives of various embassies and international organizations and foreign based corespondents from July 1996 to June 1997.

(s) In March 1997, Mr. John Shattuck, the US State Department Assistant Secretary for Democracy, Human Rights and Labor, visited Indonesia, including East Timor, and expressed hope for reaching a solution to East Timor. This was one of his many visits to Indonesia.

(t) The United Nations Secretary-General appointed Ambassador Jamsheed Marker as his Personal Representative on the Question of East Timor in February 1997. In this context, Ambassador Marker, in preparation for the ninth round of the tripartite dialogue, visited Indonesia, including East Timor, on 20-31 March 1997 to gather first-hand information concerning the province and also witnessed the results of development in Manatuto, Aileu, Liquisa and Ermera districts. During his visit, the Personal Representative of the UNSG met with high-ranking dignitaries in Jakarta as well as officials of the provincial government of East Timor. Further, he expressed appreciation to the Indonesian Government for its cooperation and the results of his observations have been reported to UN Secretary-General Kofi Annan.

(u) The Indonesian Government is committed to promoting and protecting the fundamental rights of the East Timorese people, including the right to adequate food, jobs, health and education, all of which that they have been deprived for over 450 years. In this regard, the implementation of vigorous programmes have resulted in an annual economic growth of 10 percent, much higher than other Indonesian provinces. Housing, hospitals and schools have continued to increase, raising the living standards of the East Timorese people. Despite these great strides in development, unemployment remains a problem in the province and is being addressed by the implementation of more vocational programmes and training, including for the civil service sectors. In this regard, it is pertinent to note that 283 former members of TROPAS (Portuguese colonial army) out of a total listed number of 712 have been accorded the status of full provincial civil servants

after having satisfactorily fulfilled the administrative requirements.

(v) To serve the interest of an increasing number of Catholics in the province, Pope John Paul II ordained Basilio do Nasscimento as the Bishop of Baucau in February 1997 at the Vatican. In this regard, it is pertinent to note that the Bishop of the Baucau Diocese will serve the regencies of Manatuto, Viequeque and Lautem. Also noteworthy to mention is the inauguration of the 27-meter statute of Christ in Dili, on 24 November 1997, reflecting the Central Government's efforts to promote and enhance the Catholic religion in the province.

6. Information contained in the note verbale concerning transmigration is a distortion of fact. Though the policy of transmigration is applicable to some parts of Indonesia in order that people from the densely populated areas like the island of Java can relocate to sparsely populated islands like Sumatra, Sulaweisi and Kalimantan, it is not implemented in East Timor. There is however a policy whereby in order to expedite the development in the province, skilled workers mostly of the Catholic faith are encouraged to relocate to East Timor for the duration of the projects to assist the East Timorese people with various areas of development such as agriculture, sanitation and fisheries.

7. The role of the Armed Forces in East Timor is primarily to assist the people with the development of the province and also to protect them from security disturbance perpetrators. And, contrary to the perpetuation of the myth by Portugal, the Armed Forces in East Timor have been disbanded and there are only five battalions, four of which are charged with conducting civic missions and one battalion for securing peace and security. Currently, the military has been greatly involved with the important development efforts in the province to raise the standard of living of the local population. The military along with the Roman Catholic Church and the provincial government are the three pillars of development in East Timor. Furthermore, in an effort to promote closer cooperation and understanding with the local population, senior military officers will attend an annual six-week seminar conducted by the Center for Defence Studies of Kings College, London University, to be held in Jakarta, covering a wide range of security studies, human rights and international law. The human rights course will cover various aspects of human rights which are also included in existing studies of the Indonesian Pancasila, emphasizing unity in diversity.

8. On the question of the Nobel Peace Prize awarded to Bishop Carlos Felipe Ximenes Belo and José Ramos Horta on 10 October 1997, Indonesia's position is clear. In this regard, Indonesia has always shared Bishop Belo's determination to enhance the welfare and well-being of the people of East Timor and to ensure that they live in peace and in an atmosphere of religious freedom and tolerance. The growth in the number of adherents of the Catholic religion and the other religions in East Timor as well as the dramatic increase in the number of churches attest to this fact. But Indonesia was astounded by the award given to Ramos Horta. What Indonesia finds difficult to understand is the choice of Ramos Horta as a recipient of the Nobel Peace Prize alongside Bishop Belo. Ramos Horta was a key leader of the Fretilin, a radical and violent group responsible for unspeakable atrocities perpetrated on a massive scale against fellow East Timorese when they briefly took control of East Timor by force in mid-1975. Bishop Belo himself condemned the brutality of the brief rule by the Fretilin. As a key member of the Central Committee of the Fretilin at the time of the atrocities, José Ramos Horta has yet to account for his complicity and responsibility in that bloodbath. Thousands of widows and orphans of the victims of the Fretilin massacre are still alive today and are easily accessible for testimony. It is perhaps the greatest irony that this person whose hands are stained with the blood of the victims of Fretilin's reign of terror should be the recipient of the Nobel Peace Prize. It is no wonder therefore that this claim to being a spokesman for the people of East Timor has been overwhelmingly rejected by the East Timorese people. The Nobel Prize Committee has also mistakenly cited José Ramos Horta for making significant contribution through "reconciliation talks and by working out a peace plan for the region". In fact José Ramos Horta would have nothing to do with the ongoing All-Inclusive East Timorese Dialogue when the idea was being developed but he was finally persuaded to participate, perhaps because he thought that he could inflict more damage to the process by joining it. His behavior during the deliberations of the Dialogue has been disruptive and served mainly to sow confusion and raise tension. The Nobel Peace Prize may have been awarded to Ramos Horta, a man whose career has been devoted to subverting peace, but there is nothing that he can do with the Prize that will erase the dismal record of his past misdeeds. It had been announced that the award was for their "sacrifices for the oppressed people of East Timor". Nothing could be farther from the truth. On the contrary, the highest priority has been accorded to the economic and social welfare of the people. The record shows that it was only when East Timor integrated with Indonesia that the East Timorese enjoy universal suffrage, adequate political

representation in decision-making centers of government, and real opportunities for socio-economic upliftment so that they could break away from the stagnation that had been the result of centuries of exploitation by the former colonial power. In fact, during the last meeting of the UN-facilitated All Inclusive Intra-East Timorese Dialogue in Burg Schlaining, Austria, on 22 March 1996, East Timorese representing all shades of opinion, including Ramos Horta, stated that they were "encouraged by the substantial role of the East Timorese in the administration and development of East Timor". The Nobel Prize Committee also stated that Bishop Belo has "tried to create a just settlement based on the people's right to self-determination". It is pertinent to note that Bishop Belo himself has also supported endeavors at reconciliation among the East Timorese, a process that Indonesia wholeheartedly supported, encouraged and promoted.

9. The ASEAN nations have jointly accused Portugal of hampering relations with the European Union. In this regard, it is pertinent to recall that the Heads of Government of ASEAN, in a press statement of 30 November 1996 at their first Informal Meeting held in Jakarta, observed "with increasing concern the efforts of one member country of the EU to introduce extraneous issues, such as the question of East Timor in the economic cooperation and interaction between ASEAN and the EU and the introduction of such an extraneous issue would only lead to unwarranted aggravation in ASEAN-EU relations, while at the same time jeopardizing the tripartite process on East Timor presently taking place under the auspices of the Secretary-General". Yet Portugal failed to achieve its political purposes but has become an irritant to the ASEAN-EU relationship. For example, when ASEAN and the EU were on the point of renewing an agreement for cooperation which had lasted for 10 years from 1980-1990, to the common benefit of both sides, Portugal prevented the conclusion of the agreement in order to promote its political agenda on East Timor.

10. In the Final Communiqué of the twenty-fourth session of the Islamic Conference of the Foreign Ministers, the Organization of Islamic Countries expressed "its full support for Indonesia in the efforts to find a just, comprehensive and internationally acceptable solution" on the question of East Timor.

11. The eighth round of talks were held in Geneva on 27 June 1996 between the respective Foreign Ministers of Indonesia and Portugal under the auspices of the

Secretary-General. These discussions focussed, inter alia, on substantive issues related to an eventual framework for the achievement of a just comprehensive and internationally acceptable solution to the question of East Timor, the proposals of the All-Inclusive Intra-East Timorese Dialogue (AIETD) held from 19-22 March 1996, concerning the establishment of an East Timorese cultural center in Dili and the development of human resources in East Timor. The ninth round of talks to be held on 21 December 1996 was cancelled due to lack of preparation. This occurred as a result of Portugal's procrastination to hold preparatory talks at the Permanent Representative level in New York for the above-mentioned tripartite dialogue. It should be noted the ninth tripartite dialogue will be convened under the auspices of the UN Secretary-General Kofi Annan in New York, on 19-20 June 1997.

12. The Burg Schlaining Declaration of 1996, inter alia, expressed the desire of the participants of the All-Inclusive Intra East Timorese Dialogue for the establishment of an East Timorese Cultural Center in Dili with the aim of undertaking research on the culture, customs, language, customs and traditions of the East Timorese. In this regard, the Indonesian Government continues to exert every effort to develop and protect the East Timorese culture and identity which had disappeared after 450 years of Portuguese colonial rule. For this purpose, Indonesia has allocated Rp 113.24 billion, reflecting an increase of 94 percent from the fiscal year 1996/96. The Portuguese side has yet to implement any part of the AIETD agreement and its ambivalent attitude demonstrates its lack of sincerity in seeking a solution to the question of East Timor.

13. It is to be reiterated that the innovative idea of opening an interest section in Jakarta and Lisbon was initially suggested by the then United Nations Secretary-General in the tripartite dialogue on 17 December 1992. It was believed that it could contribute to confidence-building measures between the two countries. Also important to note was that Indonesia responded positively but Portugal rejected it. After five years, it is fruitful that Portugal is finally considering the proposal but Indonesia is of the view that the establishment of an interest section cannot be linked to extraneous conditions, such as release of prisoners in Indonesia. Neither would it be conducive for the Foreign Minister of Portugal to visit Indonesia to meet with East Timorese prisoners convicted in a court of law for committing unlawful acts.

14. Throughout the process of the tripartite dialogue, Indonesia has demonstrated its sincerity, not only by words but deeds, to cooperate with the United Nations Secretary-General and Portugal, to reach a just, comprehensive and internationally acceptable settlement to the question of East Timor. For this however more than rhetorical representations are needed from Portugal. It cannot on the one hand laud efforts to have a constructive exchange in the tripartite talks and on the other hand continue to indulge in repetitious and slanderous accusations against Indonesia. Indeed, the efforts of the United Nations Secretary-General cannot be helped by a two-faced approach. Indonesia hopes that the next round of talks will be constructive and useful. Towards this end, Indonesia is prepared to cooperate but there must be unequivocal assurance from Portugal that it too remains committed to this process of dialogue.

15. In view of the foregoing, the Permanent Mission of the Republic of Indonesia takes the view that the so-called report of Portugal contained in the aforementioned note verbale dated 19 May 1997 has no validity whatsoever.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honor to request that this note verbale and its annexes be circulated as an official document of the United Nations General Assembly.

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# SUPPORT BY THE UNITED NATIONS SYSTEM OF THE EFFORTS OF GOVERNMENTS TO PROMOTE AND CONSOLIDATE NEW OR RESTORED DEMOCRACIES

## Note verbale dated 10 September 1997 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General

The Permanent Representative of Romania to the United Nations presents his compliments to the Secretary-General and has the honour to transmit herewith a letter dated 9 September 1997 from Mr. Adrian Severin, Deputy Prime Minister, Minister for Foreign Affairs of Romania, addressed to the Secretary-General, requesting the circulation, as an official document of the General Assembly, under item 38 of the provisional agenda, of the document entitled "Progress Review and Recommendations" adopted at the Third International Conference of the New or Restored Democracies on Democracy and Development, held at Bucharest from 2 to 4 September 1997.

* A/52/150 and Corr.1.

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ANNEX

Letter dated 9 September 1997 from the Deputy Prime Minister and Minister for Foreign Affairs of Romania addressed to the Secretary-General

In my capacity as Chairman of the Third International Conference of the New or Restored Democracies on Democracy and Development, held at Bucharest from 2 to 4 September 1997, I have the honour to transmit the document entitled "Progress Review and Recommendations" adopted by the participants in the Conference, by consensus.

I should be grateful if you would arrange to have the present letter and its appendix circulated as document of the General Assembly under item 38 of the provisional agenda.

(Signed) Adrian SEVERIN
Deputy Prime Minister
Minister for Foreign Affairs
of Romania

APPENDIX

Progress Review and Recommendations, adopted by the Third International Conference of the New or Restored Democracies on Democracy and Development held at Bucharest from 2 to 4 September 1997

INTRODUCTION AND PROGRESS REVIEW

We, the ministers and representatives of the New or Restored Democracies, meeting at the Third International Conference of the New or Restored Democracies on Democracy and Development, held at Bucharest, Romania, from 2 to 4 September 1997, reaffirm our commitment to the process of democratization of our societies, acknowledging the relationship of interdependence and mutual reinforcement that exist between democracy, development and good governance.

Nine years have passed since the First International Conference of the New or Restored Democracies was held at Manila, in the Philippines, and three years have gone by since the Second International Conference of this kind was held at Managua, Nicaragua. The orientations that came out of those conferences coincide largely with the general direction of the process of democratization presently under way in the world, as well as with the international recognition of the crucial importance of good governance.

Democratization is a world movement that affects North and South, East and West. In recent years there has been an almost universal recognition that a democratic system of government is the best model to ensure a framework of liberties for lasting solutions to the political, economic and social problems that our societies face.

However, as the new or restored democracies approach the twenty-first century, rapid political, economic and social changes continue to challenge their struggle for development and their institutions of governance. The three major areas of governance, the State, the private sector and civil society, are faced with new emerging issues in a complex and uncertain new era of globalization and interdependence. While countries in transition are compelled to correct the mistakes of the past; those in the post-transition phase are no longer prisoners of that past and can devote their energies, means and political will entirely to building a new future in which their citizens have the opportunity to shape their own destiny. In the same context the need to manage globalization is of the most particular importance.

Among the issues of particular concern are how to find ways to consolidate democracy, alleviate poverty, allocate more resources to the judiciary and absorb the social cost of structural adjustment. Other issues include managing financial and natural resources more efficiently and effectively and developing new institutional arrangements and mechanisms for sustainable human development, gender equality and citizens' participation in decision-making.

In some of the new or restored democracies, the State still has a weak capacity to govern and to maintain law and order. In others, the state

bureaucracy has grown rapidly and entrenched its position at the expense of the private sector and civil society. A public sector that is either too weak or too large can lead to serious ethnic, religious, political and economic conflicts, undermining sound governance and efforts to promote human development.

In many countries in transition to democracy, the State is facing the challenge to build new political and administrative structures. These new structures cannot be imported; they need time to develop and gain legitimacy. At the same time, while they are engaged in nation-building, these countries face serious financial constraints. Meanwhile, as resources from the international cooperation are declining, external debt continues to be a serious threat for democratization.

Some countries that were in the past dominated by military rule or totalitarian regimes have seen substantial progress in the re-establishing of democracy. The challenge to these States now is to consolidate their democratic achievements and reconciliation, to hasten economic and social reforms and to revitalize the civil society organizations that had little or no participation in governance during the period of military rule. Some of these countries need to find effective ways to change the role of the military from a destabilizing force in the past, to a positive one in the present and in the future, promoting security and stability instead of mistrust. Ways must also be found to deal with non-State actors, who in many situations employ violence and engage in terrorism to achieve their ends.

Most of the new or restored democracies are suffering from a widening gap between the reform of legal systems and the ability of Governments to apply laws effectively. The inability of Governments to enforce laws and restrain corruption in many cases provides immunity for those involved in crime and corruption. Although corruption is not a problem confined to the new or restored democracies, it reflects weak governmental control and an inability of civil society to act on behalf of citizens. The new or restored democracies should effectively manage legal reforms in order to meet the rising social and economic expectations of the population.

Most new or restored democracies have grappled with two major challenges in the past few years. On the political front, they have sought to consolidate democracy through elections and the strengthening of political parties and the judiciary, State reform and institutional development. On the other hand they have recognized the importance of attaining lasting improvements in the living conditions of the population. The real challenge today is how to strengthen democracy through the practices of efficient government, transparency and anti-corruption measures, in order to promote sustainable human development and bring the State closer to the people.

In this spirit, the new or restored democracies need to re-examine carefully the role of the State, along with the structure of their political systems, to find ways to make government more efficient and effective. For that reason, political, business, social and government leaders should engage in a democratic process with the citizens at large to find appropriate ways to reform

the governance system and to create an enabling environment to achieve the consolidation of democracy.

To achieve their development goals, the representatives of the new or restored democracies building on the Manila and Managua declarations, as well as on the Managua plan of action, recommend as a result of the Bucharest Conference, the following concrete and specific recommendations.

## I. GUIDELINES FOR STRENGTHENING POLICIES AND PRINCIPLES ADDRESSED TO THE GOVERNMENTS OF THE NEW OR RESTORED DEMOCRACIES

### A. Human rights

The most basic conditions common to all democratic societies is full respect for human rights. Being one of the main pillars of democracy, its observance should be strengthened in all the new or restored democracies. Particular emphasis should be placed on promoting and defending minorities' rights, including the protection of the rights of children, women and the elderly.

An important and solid basis for development of democracy, respect of human rights and basic freedoms is the peaceful settlements of conflicts with respect for territorial integrity of States.

### B. Judicial reform

It is not possible to have a modern State without an independent and powerful judiciary, run by professionally qualified, powerful, responsible and impartial judges. Any Government chosen by the people of a new or restored democracy should provide a judiciary system that is well-financed independently administered and capable of designing transparent and lasting policies. An independent and powerful judiciary should have the capacity to establish sustainable lasting and autonomous control policies independent from the executive and legislative branches, with a clear responsibility oriented to public service, responding in an opportune, impartial, balanced, effective and transparent manner to all demands that are placed before it.

If judicial reform is conducted in a balanced and integrated manner it will benefit everyone. For the public in general, it will provide better access to justice, through the rule of law and protection of fundamental rights. It will make the business transactions in the private sector more predictable and cost-effective in terms of money and time. It will benefit the public sector because it will improve the confidence of citizens in its work.

However, efforts to reform the judiciary can be diluted and the historic opportunity lost if priorities, coalitions and plans to transform the judiciary in a prompt, adequate and opportune manner are not put into immediate effect. It is necessary, at the same time, to establish indices and indicators that transform data into important and useful information, with the objective of making decisions, implementing public policies and executing activities. The

process of transforming the judiciary, once there is a consensus on the objectives, should be measured and evaluated carefully on a permanent basis.

## C. Corruption

Corruption occurs throughout the world, but is of special concern in poor countries, many of them new or restored democracies. With systemic corruption, even countries relatively well endowed with natural resources may fail to develop in a way that benefits ordinary citizens. Owing to the seriousness of the problem, Governments need to take urgent steps to implement anti-corruption policies. These policies should increase the benefits of being honest, increase the probability of detection and punishment, increase the penalties levied on those who are caught and reduce the corrupt opportunities under control of public officials.

Obviously this is not a problem that can be treated in isolation. A criminal law approach against corruption is not enough. Structural and procedural reform require a set of credible anti-corruption laws. Basic institutional reform may be needed before particular sectors can be reformed. Reforms have to be institutionalized so that they can endure changes in personnel and changes in political leadership. These include policies that increase the transparency and accountability of government operations, improve the conditions of civil service and increase the awareness of citizens about government programmes, including the ability to file for redress. Policies that encourage formation of non-governmental organizations and the establishment of a free press can act as forceful agents to expose corruption.

In the context of international law, countries should explore the possibility of establishing sanctions for foreign entities and organizations that corrupt, or attempt to corrupt, national officials and institutions in order to promote their special political and business interests. Those public officials who succumb to corruption should be punished and due recognition should be granted to those who resist it.

## D. Organized crime

Organized crime, involving such illegal activities as money laundering and drug trafficking, is becoming a serious issue in many of the new or restored democracies. Many of these Governments are not equipped to confront and fight organized crime. In addition to the political will, a combination of training and law reform, as well as international cooperation, are required. International cooperation is also essential to help Governments to deal with this new and growing threat to society. More coordination between the new or restored democracies and the international community is needed to crack down on money laundering, reduce organized crime and to ensure that those involved in corruption face the full legal consequences.

## E. Managing globalization

Managing globalization is a very important issue that comprises all sectors of the international society. In the current international environment it may be necessary to adopt new accords of global governability; that implies in itself a new moral contract for peace as well as new agreements on economic flows equity, control of financial speculation and the democratization of communications.

Managing globalization requires capable leaders, political will and ethical determination to assume the risk and the moral responsibility of change. To consolidate peace, democracy and development, taking into account the current danger of emerging economic models that lack justice, equity and solidarity, will require the implementation of at least eight principles. These imperatives are the following: to abolish corruption from politics; to solve conflicts of interest within the countries, in a democratic spirit; to stop the weapons race and to discourage waging war as a way of solving disputes; to promote peace and security for all; to give priority to children and the young in the solution of social problems; to eliminate impunity of public officials; to promote quality education for all; and to preserve the environment and bio-diversity.

## F. Decentralization

Decentralization is an important means of strengthening democracy and building the basis for economic and social development. In a decentralized system where local and regional government have authority and resources, citizens can more easily influence their decisions. Political accountability can be exerted more easily when government is close to the people and when local authorities have the power to balance the central government. Adequate service delivery to the population also calls for decentralized forms of government. In that context, it is important to stress the responsibility for service needs to be closely linked to access to resources, preferably through the ability to impose local taxes. Economic development also calls for a strong local and/or regional government capable of promoting investments and employment in their respective areas.

Democracy guarantees individual freedom and rights, gives all citizens equality before the law and allows them to elect and remove their political leaders when required. Political decentralization also implies the selection of representatives from local electoral jurisdiction. Selection of officials from small jurisdictions allows citizens to know their political representatives better. These representatives, in turn, are more aware of the needs and desires of their constituents. Central governments should also consider the decentralization of their administrative units, so they can perform their functions more effectively and ensure the implementation of economic adjustment and human development programmes.

## G. Political opposition

Democratization is the most reliable way to legitimize and improve governance, making it more open and responsive by increasing participation, more efficient by allowing for burden-sharing and more effective by giving scope for individual initiatives and voluntary cooperation. The respected participation of all political groups promotes political stability, thus facilitating economic and social development. Building democratic institutions and creating more opportunities for participation will help to ensure that the priorities of diverse social and political groups are considered in the formulation of national policies.

Individual involvement in the political process enhances the accountability and responsiveness of government. Governments that are responsive and accountable are likely to be more stable and to promote peace. Many internal conflicts stem from the belief, justified or not, that the State does not represent all groups in society or that it seeks to impose an exclusive ideology. Democracy is the way to mediate the various social interests in a particular community.

## H. Political parties

Political parties are a vital element in governance. There is not a single democratic system in the world that has been able to dispense with their participation. Measures should be taken to improve their representation of citizens through electoral mechanisms. Democracy usually tends to function most efficiently when political parties are broad-based, rather than representing small, fragmented interests.

To encourage the formation of broad-based political parties, they could be constituted as formal and national organizations. It is essential that they practise internal democracy to give voice to varying interests within the party. To avoid parties being taken over by well financed special interests, their campaigns could receive public financing and electoral costs should be strictly controlled and transparent. Provisions should be established for small parties and independent candidates to participate in elections.

These institutional changes would allow, after a few electoral processes, the formation of a party system of few, but representative, organizations that, by virtue of being implanted in broad and varied sectors of society, will conserve the loyalty of a large number of voters, guaranteeing in this way, stability and the continuity of public life.

## I. Elections

Often the first step a new or restored democracy undertakes is the organization of elections to select leadership. If the country is emerging from a totalitarian regime or one-party government, it is necessary to pay due attention to the conduct of elections from an administrative and organizational point of view, usually with the help of outside resources and expertise. Once

the freedom and fairness of the elections is established, it will be necessary to concentrate on the sustainability of the electoral processes. Electoral institutions are not the only relevant entity requiring strengthening in the overall electoral process. Other active participants include the participating political parties. The Legislature is responsible for preparing the legal framework for elections. The media will cover the process. The Police or the Armed Forces will ensure adequate environment without hindrances or intimidation. The full participation of domestic non-governmental organizations should be facilitated.

## J. Gender equality

A good system of government must ensure gender-responsive development that is equitable, sustainable, free from violence, respectful of human rights and supportive of self-determination and the actualization of human potential. Efforts have to be made to ensure equal access to political and economic opportunities and equal rewards for labour. Women's skills should be made more competitive in the open market through special measures for education, training and development opportunities complemented through policy and legal interventions.

Institutions, including non-governmental organizations that promote gender equity, as well as equality, need to be strengthened. Government intervention may be required to create a framework for the promotion of gender equality, changing social and institutional norms, establishing educational and other programmes for increased women's participation in political and socio-economic activities.

## K. Civic education

In many of the new or restored democracies, the consolidation of democracy and sustainable human development will require strengthening civic education to create broad awareness of the rights of citizens and the responsibilities of government institutions.

The consolidation of democracy implies that all institutions of society work together for a better understanding of the role of political parties, strengthening the judiciary and law enforcement, fostering openness and accountability of the legislature and other institutions, expanding local management capabilities and developing a broad national policy framework that allows local activities to flourish. Supporting civil education is essential for long-term progress in democratization; it is also crucial to develop public awareness and confidence in the political systems and to legitimize local organizations, strengthen citizen oversight of government and create capacity for political participation.

## L. Accountability and transparency

Accountability to the public requires that individuals can easily obtain information about what the State is doing and that they can use this information to hold public officials accountable. Governments must publish budgets, revenue collections, executive decisions and orders and the proceedings of legislative bodies. Public accounts should be independently audited. Governments that make it difficult for independent voices to be raised in criticisms will find it hard to establish a credible commitment to honest and transparent government. Civil society and the private sector can be an important check on arbitrary exercise of power, but only if government provides information on its activities and if people are free to organize themselves into associations committed to enforce checks and balances.

Laws that make it easy to establish associations and non-profit organizations for this purpose can help. Publicity through the media is another important factor. Non-profit organizations can carry out and publish public opinion surveys, which reveal public attitudes towards government services. Individuals are unlikely to complain about government operations unless they have the legal protection against arbitrary state interventions. Special tribunals and ombudsmen may counteract the powerlessness of ordinary people faced with bribery demands and other forms of misuse of power. An alternative is the creation of "hot lines", so citizens can complain directly to the Government.

## M. Media and press

A responsible and independent media can engage Governments and people in national and global affairs. In this way, the global communications revolution and the global wave of democratization are mutually reinforcing. A free press is a vehicle for democratization and democratization promotes an open society in which a free press can flourish.

In this age of instant information and communications, the media has become not only a major venue for dialogue and debate within and among States but also an international actor with a distinct role on the international stage. The media can help keep politics open, responsive and accountable. The new or restored democracies have to protect the independence and freedom of news organizations and to defend the rights of all people, as set out in article 19 of the Universal Declaration of Human Rights.

## N. Civil service reform

With the change in the role of the State, the role and the functioning of the civil service will also have to be reviewed and sometimes radically changed. Civil service reform is needed in new or restored democracies in order to redefine systems and tasks, optimize numbers and upgrade competence. Improvements in the functioning of the public administrations need to be ongoing to adjust to new policies and advances in technology and means of communications.

## II. RECOMMENDATIONS, SPECIALLY RELATED TO CIVIL SOCIETY AND THE PRIVATE SECTOR OF THE NEW OR RESTORED DEMOCRACIES

### A. Civil society

The new or restored democracies should provide an enabling environment that allows institutions of civil society to develop and to perform their functions freely. This requires the cooperation of Governments and the support of the private sector. A legislative and regulatory framework is necessary to guarantee the right of association, financial support and tax incentives to strengthen civil associations, as well as agreed mechanisms for the involvement of civil society in the decision-making process. Such legislation should allow for and stimulate diversity in ways of organizing and funding of civil associations, while at the same time protecting their integrity and accessibility to all citizens.

Civil society organizations can have an impact on economic, political and social development when they work in cooperation with each other, the Government and the private sector. Sometimes they serve societies and their members best in an advocacy role, promoting human rights, freedom of expression or the specific rights of their members. They can contribute also to economic development as well as to the consolidation of democracy.

Civil society organizations can also make powerful contributions to sustaining human development in all societies, but especially in former totalitarian countries where civil networks were not encouraged. There should be more interaction and cooperation between the civil society and international organizations, in general, and the United Nations and its agencies, in particular.

It is suggested that civil society organizations undertake regional initiatives to further their cooperation with counterparts in other countries; these initiatives could take the form of regional or subregional workshops and forums. A vital civil society can be both a source of innovation for economic development and a valuable partner for Governments in democratic consolidation.

### B. Private sector

The private sector has a crucial role to play in the consolidation of democracy and the promotion of sustainable human development, because of its ability to distribute economic power, facilitate demand-driven resource allocations, increase economic efficiency and provide productive employment, making it possible for the population to improve its standards of living. The ability of the private sector, including the informal sector, to function and expand employment depends to a great extent, however, on the national policy framework, the country's competitive position and the global business environment. The private sector could take more initiatives on a regional or global basis to foster democratization in the regions and the world. The business forums and councils so far established should also consider issues related to democratization.

The private sector has its own responsibilities to ensure that they act in the best interests of the population and of the countries concerned. As part of this responsibility they should consider funding more initiatives taken by other segments of a democratic and civil society related to the consolidation of the new or restored democracies. To establish conditions that help the private sector to be competitive in the emerging global economy, the Governments of new or restored democracies should provide a predictable legal framework, control of corruption, high quality public service and a supportive environment. To ensure the sustainability of economic progress, Government should also develop the necessary regulatory framework to protect the environment and assist the underprivileged in society.

In addition, traditional and industrialized democracies should encourage their private sector to invest in countries that are both democratizing and liberalizing their economies.

## III. RECOMMENDATIONS ADDRESSED TO DONOR COUNTRIES AND THE INTERNATIONAL COMMUNITY

### A. Higher priority in resource allocation should be given to governance, democracy and participation

In order to achieve the desired success in the process of democratization, the international community should make a commitment to collaborate with the new or restored democracies, to provide adequate support for the attainment of the objectives of achieving democracy and fostering and expanding governance, democracy and participation programmes. It is urgent that the international community lends greater attention to the obstacles that the new or restored democracies are facing in order to sustain the momentum of their current progress.

Through policy dialogue and capacity-building, the mature democracies can help to support effectively the efforts of governments and civil society in the new or restored democracies. New management styles and techniques and more flexible funding mechanisms as well as support for institutional strengthening and networking by local organizations can have a strong impact. Both bilateral and multilateral aid agencies have to adapt their capacities and programme design to meet these new requirements. In post-conflict situations, lasting reconciliation is jeopardized if donor countries fail to fulfil their commitments in a timely manner or if they withdraw their moral and financial backing of emerging democracies too quickly. As governance and democratization issues are becoming more and more the pillars of sustainable development, the donors should take their fully into account in their funding priorities.

### B. External debt

While some of the new or restored democracies are making every effort towards improving their various economies, through structural adjustment measures, the resources of some of them are constrained by the huge debt inherited from the previous regimes. Debt service obligations continue to

consume large proportions of national income at the expense of developing economic and social infrastructure for sustainable human development. In this regard, the representatives to the Third International Conference of the New or Restored Democracies calls upon the donor community to cancel the debt of countries that are on a genuine path to democracy.

### C. Coordination

The growing convergence among the traditional and the new or restored democracies on the central importance of democratization, good governance and sustainable development provides the basis for effective partnership and coordination to work on the democratization, development and governance links. This coordination can be strengthened if civil society including the private sector are also able to advocate needed reforms in the political, social and economic fields. Technocratic approaches to institutional change and legal reforms will fail without effective local demand for change expressed through local constituencies.

Donors and all segments of the international community should organize joint conferences like the one on governance supported by the United Nations Development Programme in July 1997 in New York, where government officials, parliamentarians, local politicians and non-governmental organization representatives met together to discuss democratization issues.

### D. Working on indicators

Taking into account different definitions of democracy the new or restored democracies, with the support of international institutions and the academic world, should establish indicators to review the advances in the processes of democratization. At the same time, Governments should be encouraged to reinforce their commitments.

## IV. RECOMMENDATIONS ADDRESSED TO THE UNITED NATIONS SYSTEM AND THE INTERNATIONAL FINANCIAL ORGANIZATIONS

### A. International Monetary Fund and World Bank

The continued and strengthened support of the International Monetary Fund and the World Bank to help new or restored democracies to reform economic and social policies and institutions, to improve the effectiveness of the State and advance development, to re-establish security and to build capacities is strongly recommended. In doing so, they should be aware of the real difficulties and obstacles that the new or restored democracies are facing, and also realize that economic reforms and structural adjustment programmes that do not take social realities into consideration could destabilize processes of transition towards democracy and fuel social and political tensions.

International assistance for democratization and reform need to be tailored to fit into broader political and social changes in each country. There should

be more frequent contacts and cooperation between the Bretton Woods institutions and sectors of the United Nations system dealing with governance, democratization and peace-building.

### B. United Nations system

The role of the United Nations system in helping the new or restored democracies to meet their challenges is of greatest importance. The United Nations should also continue discussing new ideas and suggestions concerning democracy and good governance put forward by Governments and representatives of academia and civil society.

United Nations activities should also be designed to help meet the special circumstances and priorities of each country and, at the same time, offer guidance for the implementation of the recommendations and plans of action adopted by the major United Nations world conferences.

The Conference acknowledged the increased focus of the United Nations activity in support of good governance and democracy. The Conference recognized the excellent work being done by the Secretary-General and the United Nations Development Programme in supporting and monitoring the efforts of the new or restored democracies as mandated by the General Assembly, and invites them to continue with these efforts.

## V. FOLLOW-UP OF THE CONFERENCE

The representatives to the Bucharest Conference of the New or Restored Democracies on Democracy and Development recommend that a follow-up of the present recommendations be undertaken. Special attention should be given to the establishment of this follow-up mechanism or secretariat.

The follow-up will provide information about country programmes and treatment of specific issues. This will help facilitate communications and better understanding among the new or restored democracies, as well as their cooperation with the traditional ones and national and international organizations, to improve the results of programmes and enhance cooperation. The process of establishing a follow-up should be carried out in a neutral, transparent and cost-effective manner. Pending the establishment of this mechanism, the President of the Third International Conference of the New or Restored Democracies will perform that function in cooperation with participating countries. The objective of the follow-up is to have issues treated systematically to share the progress made by each country according to its own circumstances rather than absolute standards. This may include the elaboration of indicators.

In addition to the participating countries, this mechanism may include the United Nations system, especially the United Nations Development Programme, competent regional organizations and institutions, as well as internationally recognized and accredited bodies, as the International Institute for Democracy and Electoral Assistance.

## VI. VENUE OF THE NEXT CONFERENCE

It was agreed that the Fourth International Conference of the New or Restored Democracies be held in an African country. The Conference took note with satisfaction of the offer made by Benin to host the Fourth International Conference and of Mongolia to host one of the future conferences. It also noted the suggestion made by the Philippines that a summit meeting of Heads of State or Government be held in the year 2000 in order to consolidate the gains of the new or restored democracies and to underscore the interaction between peace, democracy and development for the next millennium. It was decided to empower the President of the Third International Conference to conduct consultations in this respect and inform all participating countries about the results.

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Item 71 of the provisional agenda*

GENERAL AND COMPLETE DISARMAMENT

Letter dated 8 September 1997 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Ministry of Foreign Affairs of Kazakhstan concerning the decision adopted by the Government of the Republic of Kazakhstan on 6 August 1997 banning the export of anti-personnel mines, including the re-export and transit thereof (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly under item 71 of the provisional agenda.

(Signed) Akmaral Kh. ARYSTYANBEKOVA
Ambassador
Permanent Representative of Kazakhstan
to the United Nations

* A/52/150 and Corr.1.

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ANNEX

Statement issued by the Ministry of Foreign Affairs of Kazakhstan on 11 August 1997

The Ministry of Foreign Affairs is authorized to state that the Government of the Republic of Kazakhstan adopted a decision on 6 August 1997 proclaiming a ban on the export of anti-personnel mines, including the re-export and transit thereof.

Kazakhstan shares the international community's growing concern at the vast numbers of victims caused throughout the world by the use of anti-personnel mines. At present some 110 million mines in more than 70 countries continue to maim and kill civilians every day. It is for this reason that anti-personnel mines have been called "delayed-action weapons of mass destruction".

This serious problem of global significance can only be solved through joint international action to limit the use of, and access to, anti-personnel mines and, ultimately, to ban their use altogether.

This unilateral moratorium by Kazakhstan supports the relevant resolutions of the United Nations General Assembly and constitutes an expression of Kazakhstan's commitment to strengthening international peace and security.

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**International drug control**

# Preparations for the special session of the General Assembly to be held in 1998 on the question of narcotic drugs

## Note by the Secretary-General

1. The report of the Commission on Narcotic Drugs acting as the preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities on its first session (E/1997/48) is made available to the Assembly for its information.

2. The two draft decisions contained in chapter I of the report were adopted by the Economic and Social Council at its substantive session of 1997 as Council decisions 1997/238 and 1997/239. The texts of the decisions and complete information on the Council's consideration of the report are contained in the report of the Council to the General Assembly (A/52/3).

* A/52/150 and Corr.1.

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